

**(8) Participate in any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations**

The term “participate in any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations” means to assign members of the Armed Forces of the United States to a United Nations military command structure as part of a peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations in which those members of the Armed Forces of the United States are subject to the command or operational control of one or more foreign military officers not appointed in conformity with article II, section 2, clause 2 of the Constitution of the United States.

**(9) Party to the International Criminal Court**

The term “party to the International Criminal Court” means a government that has deposited an instrument of ratification, acceptance, approval, or accession to the Rome Statute, and has not withdrawn from the Rome Statute pursuant to Article 127 thereof.

**(10) Peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations**

The term “peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations” means any military operation to maintain or restore international peace and security that—

(A) is authorized by the United Nations Security Council under chapter VI or VII of the charter of the United Nations; and

(B) is paid for from assessed contributions of United Nations members that are made available for peacekeeping or peace enforcement activities.

**(11) Rome Statute**

The term “Rome Statute” means the Rome Statute of the International Criminal Court, adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court on July 17, 1998.

**(12) Support**

The term “support” means assistance of any kind, including financial support, transfer of property or other material support, services, intelligence sharing, law enforcement cooperation, the training or detail of personnel, and the arrest or detention of individuals.

**(13) United States military assistance**

The term “United States military assistance” means—

(A) assistance provided under chapter 2 [22 U.S.C. 2311 et seq.] or 5 [22 U.S.C. 2347 et seq.] of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.); or

(B) defense articles or defense services furnished with the financial assistance of the United States Government, including through loans and guarantees, under section 2763 of this title.

(Pub. L. 107–206, title II, § 2013, Aug. 2, 2002, 116 Stat. 907.)

REFERENCES IN TEXT

Executive Order 12958, referred to in par. (2), is set out as a note under section 435 of Title 50, War and National Defense.

The Foreign Assistance Act of 1961, referred to in par. (13)(A), is Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, as amended. Chapters 2 and 5 of part II of the Act are classified generally to parts II (§ 2311 et seq.) and V (§ 2347 et seq.), respectively, of subchapter II of chapter 32 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

**§ 7433. Assistance to international efforts**

Nothing in this subchapter shall prohibit the United States from rendering assistance to international efforts to bring to justice Saddam Hussein, Slobodan Milosovic, Osama bin Laden, other members of Al Queda, leaders of Islamic Jihad, and other foreign nationals accused of genocide, war crimes or crimes against humanity.

(Pub. L. 107–206, title II, § 2015, Aug. 2, 2002, 116 Stat. 909.)

**CHAPTER 82—AFGHANISTAN  
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#### § 7501. Definition

In this chapter, the term “Government of Afghanistan” includes—

- (1) the government of any political subdivision of Afghanistan; and
- (2) any agency or instrumentality of the Government of Afghanistan.

(Pub. L. 107-327, §1(c), Dec. 4, 2002, 116 Stat. 2797.)

#### SHORT TITLE

Pub. L. 107-327, §1(a), Dec. 4, 2002, 116 Stat. 2797, provided that: “This Act [enacting this chapter] may be cited as the ‘Afghanistan Freedom Support Act of 2002’.”

#### SUBCHAPTER I—ECONOMIC AND DEMOCRATIC DEVELOPMENT ASSISTANCE FOR AFGHANISTAN

#### § 7511. Declaration of policy

Congress makes the following declarations:

(1) The United States and the international community should support efforts that advance the development of democratic civil authorities and institutions in Afghanistan and the establishment of a new broad-based, multi-ethnic, gender-sensitive, and fully representative government in Afghanistan.

(2) The United States, in particular, should provide its expertise to meet immediate humanitarian and refugee needs, fight the production and flow of illicit narcotics, and aid in the reconstruction of Afghanistan.

(3) By promoting peace and security in Afghanistan and preventing a return to conflict,

the United States and the international community can help ensure that Afghanistan does not again become a source for international terrorism.

(4) The United States should support the objectives agreed to on December 5, 2001, in Bonn, Germany, regarding the provisional arrangement for Afghanistan as it moves toward the establishment of permanent institutions and, in particular, should work intensively toward ensuring the future neutrality of Afghanistan, establishing the principle that neighboring countries and other countries in the region do not threaten or interfere in one another's sovereignty, territorial integrity, or political independence, including supporting diplomatic initiatives to support this goal.

(5) The special emergency situation in Afghanistan, which from the perspective of the American people combines security, humanitarian, political, law enforcement, and development imperatives, requires that the President should receive maximum flexibility in designing, coordinating, and administering efforts with respect to assistance for Afghanistan and that a temporary special program of such assistance should be established for this purpose.

(6) To foster stability and democratization and to effectively eliminate the causes of terrorism, the United States and the international community should also support efforts that advance the development of democratic civil authorities and institutions in the broader Central Asia region.

(Pub. L. 107-327, title I, §101, Dec. 4, 2002, 116 Stat. 2798.)

#### § 7512. Purposes of assistance

The purposes of assistance authorized by this subchapter are—

(1) to help assure the security of the United States and the world by reducing or eliminating the likelihood of violence against United States or allied forces in Afghanistan and to reduce the chance that Afghanistan will again be a source of international terrorism;

(2) to support the continued efforts of the United States and the international community to address the humanitarian crisis in Afghanistan and among Afghan refugees in neighboring countries;

(3) to fight the production and flow of illicit narcotics, to control the flow of precursor chemicals used in the production of heroin, and to enhance and bolster the capacities of Afghan governmental authorities to control poppy cultivation and related activities;

(4) to help achieve a broad-based, multi-ethnic, gender-sensitive, and fully representative government in Afghanistan that is freely chosen by the people of Afghanistan and that respects the human rights of all Afghans, particularly women, including authorizing assistance for the rehabilitation and reconstruction of Afghanistan with a particular emphasis on meeting the educational, health, and sustenance needs of women and children to better enable their full participation in Afghan society;

(5) to support the Government of Afghanistan in its development of the capacity to facilitate, organize, develop, and implement projects and activities that meet the needs of the Afghan people;

(6) to foster the participation of civil society in the establishment of the new Afghan government in order to achieve a broad-based, multi-ethnic, gender-sensitive, fully representative government freely chosen by the Afghan people, without prejudice to any decisions which may be freely taken by the Afghan people about the precise form in which their government is to be organized in the future;

(7) to support the reconstruction of Afghanistan through, among other things, programs that create jobs, facilitate clearance of landmines, and rebuild the agriculture sector, the health care system, and the educational system of Afghanistan;

(8) to provide resources to the Ministry for Women's Affairs of Afghanistan to carry out its responsibilities for legal advocacy, education, vocational training, and women's health programs; and

(9) to foster the growth of a pluralistic society that promotes and respects religious freedom.

(Pub. L. 107-327, title I, §102, Dec. 4, 2002, 116 Stat. 2798.)

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 7554 of this title.

### § 7513. Authorization of assistance

#### (a) In general

Notwithstanding section 512 of Public Law 107-115 or any other similar provision of law, the President is authorized to provide assistance for Afghanistan for the following activities:

##### (1) Urgent humanitarian needs

To assist in meeting the urgent humanitarian needs of the people of Afghanistan, including assistance such as—

(A) emergency food, shelter, and medical assistance;

(B) clean drinking water and sanitation;

(C) preventative health care, including childhood vaccination, therapeutic feeding, maternal child health services, and infectious diseases surveillance and treatment;

(D) family tracing and reunification services; and

(E) clearance of landmines and other unexploded ordnance.<sup>1</sup>

##### (2) Repatriation and resettlement of refugees and internally displaced persons

To assist refugees and internally displaced persons as they return to their home communities in Afghanistan and to support their reintegration into those communities, including assistance such as—

(A) assistance identified in paragraph (1);

(B) assistance to communities, including those in neighboring countries, that have taken in large numbers of refugees in order to rehabilitate or expand social, health, and

educational services that may have suffered as a result of the influx of large numbers of refugees;

(C) assistance to international organizations and host governments in maintaining security by screening refugees to ensure the exclusion of armed combatants, members of foreign terrorist organizations, and other individuals not eligible for economic assistance from the United States; and

(D) assistance for voluntary refugee repatriation and reintegration inside Afghanistan and continued assistance to those refugees who are unable or unwilling to return, and humanitarian assistance to internally displaced persons, including those persons who need assistance to return to their homes, through the United Nations High Commissioner for Refugees and other organizations charged with providing such assistance.

#### (3) Counternarcotics efforts

(A) To assist in the eradication of poppy cultivation, the disruption of heroin production, and the reduction of the overall supply and demand for illicit narcotics in Afghanistan and the region, with particular emphasis on assistance to—

(i) eradicate opium poppy, establish crop substitution programs, purchase nonopium products from farmers in opium-growing areas, quick-impact public works programs to divert labor from narcotics production, develop projects directed specifically at narcotics production, processing, or trafficking areas to provide incentives to cooperation in narcotics suppression activities, and related programs;

(ii) establish or provide assistance to one or more entities within the Government of Afghanistan, including the Afghan State High Commission for Drug Control, and to provide training and equipment for the entities, to help enforce counternarcotics laws in Afghanistan and limit illicit narcotics growth, production, and trafficking in Afghanistan;

(iii) train and provide equipment for customs, police, and other border control entities in Afghanistan and the region relating to illicit narcotics interdiction and relating to precursor chemical controls and interdiction to help disrupt heroin production in Afghanistan and the region;

(iv) continue the annual opium crop survey and strategic studies on opium crop planting and farming in Afghanistan; and

(v) reduce demand for illicit narcotics among the people of Afghanistan, including refugees returning to Afghanistan.

(B) For each of the fiscal years 2003 through 2006, \$15,000,000 is authorized to be appropriated to the President to be made available for a contribution to the United Nations Drug Control Program for the purpose of carrying out activities described in clauses (i) through (v) of subparagraph (A). Amounts made available under the preceding sentence are in addition to amounts otherwise available for such purposes.

<sup>1</sup> So in original. Probably should be "ordnance."

**(4) Reestablishment of food security, rehabilitation of the agriculture sector, improvement in health conditions, and the reconstruction of basic infrastructure**

To assist in expanding access to markets in Afghanistan, to increase the availability of food in markets in Afghanistan, to rehabilitate the agriculture sector in Afghanistan by creating jobs for former combatants, returning refugees, and internally displaced persons, to improve health conditions, and assist in the rebuilding of basic infrastructure in Afghanistan, including assistance such as—

(A) rehabilitation of the agricultural infrastructure, including irrigation systems and rural roads;

(B) extension of credit;

(C) provision of critical agricultural inputs, such as seeds, tools, and fertilizer, and strengthening of seed multiplication, certification, and distribution systems;

(D) improvement in the quantity and quality of water available through, among other things, rehabilitation of existing irrigation systems and the development of local capacity to manage irrigation systems;

(E) livestock rehabilitation through market development and other mechanisms to distribute stocks to replace those stocks lost as a result of conflict or drought;

(F) mine awareness and demining programs and programs to assist mine victims, war orphans, and widows;

(G) programs relating to infant and young child feeding, immunizations, vitamin A supplementation, and prevention and treatment of diarrheal diseases and respiratory infections;

(H) programs to improve maternal and child health and reduce maternal and child mortality;

(I) programs to improve hygienic and sanitation practices and for the prevention and treatment of infectious diseases, such as tuberculosis and malaria;

(J) programs to reconstitute the delivery of health care, including the reconstruction of health clinics or other basic health infrastructure, with particular emphasis on health care for children who are orphans;

(K) programs for housing (including repairing homes damaged during military operations), rebuilding urban infrastructure, and supporting basic urban services; and

(L) disarmament, demobilization, and reintegration of armed combatants into society, particularly child soldiers.

**(5) Reestablishment of Afghanistan as a viable nation-state**

(A) To assist in the development of the capacity of the Government of Afghanistan to meet the needs of the people of Afghanistan through, among other things, support for the development and expansion of democratic and market-based institutions, including assistance such as—

(i) support for international organizations that provide civil advisers to the Government of Afghanistan;

(ii) support for an educated citizenry through improved access to basic education,

with particular emphasis on basic education for children who are orphans, with particular emphasis on basic education for children;

(iii) programs to enable the Government of Afghanistan to recruit and train teachers, with special focus on the recruitment and training of female teachers;

(iv) programs to enable the Government of Afghanistan to develop school curriculum that incorporates relevant information such as landmine awareness, food security and agricultural education, human rights awareness, including religious freedom, and civic education;

(v) support for the activities of the Government of Afghanistan to draft a new constitution, other legal frameworks, and other initiatives to promote the rule of law in Afghanistan, including the recognition of religious freedom in the constitution and other legal frameworks;

(vi) support to increase the transparency, accountability, and participatory nature of governmental institutions, including programs designed to combat corruption and other programs for the promotion of good governance;

(vii) support for an independent media;

(viii) programs that support the expanded participation of women and members of all ethnic groups in government at national, regional, and local levels;

(ix) programs to strengthen civil society organizations that promote human rights, including religious freedom, freedom of expression, and freedom of association, and support human rights monitoring;

(x) support for Afghan and international efforts to investigate human rights atrocities committed in Afghanistan by the Taliban regime, opponents of such regime, and terrorist groups operating in Afghanistan, including the collection of forensic evidence relating to such atrocities;

(xi) support for national, regional, and local elections and political party development;

(xii) support for the effective administration of justice at the national, regional, and local levels, including the establishment of a responsible and community-based police force;

(xiii) support for establishment of a central bank and central budgeting authority; and

(xiv) assistance in identifying and surveying key road and rail routes essential for economic renewal in Afghanistan and the region, support in reconstructing those routes, and support for the establishment of a customs service and training for customs officers.

(B) For each of the fiscal years 2003 through 2005, \$10,000,000 is authorized to be appropriated to the President to be made available for the purposes of carrying out a traditional Afghan assembly or “Loya Jirga” and for support for national, regional, and local elections and political party development under subparagraph (A)(xi).

**(6) Market economy**

To support the establishment of a market economy, the establishment of private financial institutions, the adoption of policies to promote foreign direct investment, the development of a basic telecommunication infrastructure, and the development of trade and other commercial links with countries in the region and with the United States, including policies to—

(A) encourage the return of Afghanistan citizens or nationals living abroad who have marketable and business-related skills;

(B) establish financial institutions, including credit unions, cooperatives, and other entities providing microenterprise credits and other income-generation programs for the poor, with particular emphasis on women;

(C) facilitate expanded trade with countries in the region;

(D) promote and foster respect for basic workers' rights and protections against exploitation of child labor;

(E) develop handicraft and other small-scale industries; and

(F) provide financing programs for the reconstruction of Kabul and other major cities in Afghanistan.

**(7) Assistance to women and girls****(A) Assistance objectives**

To assist women and girls in Afghanistan in the areas of political and human rights, health care, education, training, security, and shelter, with particular emphasis on assistance—

(i) to support construction of, provide equipment and medical supplies to, and otherwise facilitate the establishment and rehabilitation of, health care facilities in order to improve the health care of women, children, and infants;

(ii) to expand immunization programs for women and children;

(iii) to establish, maintain, and expand primary and secondary schools for girls that include mathematics, science, and languages in their primary curriculum;

(iv) to develop and expand technical and vocational training programs and income-generation projects for women;

(v) to provide special educational opportunities for girls whose schooling was ended by the Taliban, and to support the ability of women to have access to higher education;

(vi) to develop and implement programs to protect women and girls against sexual and physical abuse, abduction, trafficking, exploitation, and sex discrimination in the delivery of humanitarian supplies and services;

(vii) to provide emergency shelters for women and girls who face danger from violence;

(viii) to direct humanitarian assistance to widows, who make up a very large and needy population in war-torn Afghanistan;

(ix) to support the work of women-led and local nongovernmental organizations

with demonstrated experience in delivering services to Afghan women and children;

(x) to disseminate information throughout Afghanistan on the rights of women and on international standards of human rights, including the rights of religious freedom, freedom of expression, and freedom of association;

(xi) to provide women's rights and human rights training for military, police, and legal personnel; and

(xii) to support the National Human Rights Commission in programs to promote women's rights and human rights, including the rights of religious freedom, freedom of expression, and freedom of association, and in the investigation and monitoring of women's rights and human rights abuses.

**(B) Availability of funds**

For each of the fiscal years 2003 through 2006—

(i) \$15,000,000 is authorized to be appropriated to the President to be made available to the Afghan Ministry of Women's Affairs; and

(ii) \$5,000,000 is authorized to be appropriated to the President to be made available to the National Human Rights Commission of Afghanistan.

**(C) Relation to other available funds**

Amounts made available under subparagraph (B) are in addition to amounts otherwise available for such purposes.

**(b) Limitation****(1) In general**

Amounts made available to carry out this subchapter (except amounts made available for assistance under paragraphs (1) through (3) and subparagraphs (F) through (I) of paragraph (4) of subsection (a) of this section) may be provided only if the President first determines and certifies to Congress with respect to the fiscal year involved that progress is being made toward adopting a constitution and establishing a democratically elected government for Afghanistan that respects human rights.

**(2) Waiver****(A) In general**

The President may waive the application of paragraph (1) if the President first determines and certifies to Congress that it is important to the national interest of the United States to do so.

**(B) Contents of certification**

A certification transmitted to Congress under subparagraph (A) shall include a written explanation of the basis for the determination of the President to waive the application of paragraph (1).

**(c) Enterprise fund****(1) Authorization of appropriations**

In addition to funds otherwise available for such purpose, there are authorized to be appro-

priated to the President for an enterprise fund for Afghanistan \$300,000,000. The provisions contained in section 5421 of this title (excluding the authorizations of appropriations provided in subsection (b) of that section) shall apply with respect to such enterprise fund and to funds made available to such enterprise fund under this subsection.

**(2) Availability of funds**

Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

(Pub. L. 107-327, title I, §103, Dec. 4, 2002, 116 Stat. 2799.)

REFERENCES IN TEXT

Section 512 of Public Law 107-115, referred to in subsection (a), is section 512 of Pub. L. 107-115, title V, Jan. 10, 2002, 115 Stat. 2141, which is not classified to the Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 7518 of this title.

**§ 7514. Coordination of assistance**

**(a) In general**

The President is strongly urged to designate, within the Department of State, a coordinator who shall be responsible for—

- (1) designing an overall strategy to advance United States interests in Afghanistan;
- (2) ensuring program and policy coordination among agencies of the United States Government in carrying out the policies set forth in this subchapter;
- (3) pursuing coordination with other countries and international organizations with respect to assistance to Afghanistan;
- (4) ensuring that United States assistance programs for Afghanistan are consistent with this subchapter;
- (5) ensuring proper management, implementation, and oversight by agencies responsible for assistance programs for Afghanistan; and
- (6) resolving policy and program disputes among United States Government agencies with respect to United States assistance for Afghanistan.

**(b) Rank and status of the coordinator**

The coordinator designated under subsection (a) of this section shall have the rank and status of ambassador.

(Pub. L. 107-327, title I, §104, Dec. 4, 2002, 116 Stat. 2804.)

**§ 7515. Sense of Congress regarding promoting cooperation in opium producing areas**

It is the sense of Congress that the President should—

- (1) to the extent practicable, under such procedures as the President may prescribe, withhold United States bilateral assistance from, and oppose multilateral assistance to, opium-producing areas of Afghanistan if, within such areas, appropriate cooperation is not provided to the United States, the Government of Afghanistan, and international organizations with respect to the suppression of narcotics cultivation and trafficking, and if withholding

such assistance would promote such cooperation;

- (2) redistribute any United States bilateral assistance (and to promote the redistribution of any multilateral assistance) withheld from an opium-producing area to other areas with respect to which assistance has not been withheld as a consequence of this section; and

- (3) define or redefine the boundaries of opium producing areas of Afghanistan for the purposes of this section.

(Pub. L. 107-327, title I, §105, Dec. 4, 2002, 116 Stat. 2805.)

**§ 7516. Administrative provisions**

**(a) Applicable administrative authorities**

Except to the extent inconsistent with the provisions of this subchapter, the administrative authorities under chapters 1 and 2 of part III of the Foreign Assistance Act of 1961 [22 U.S.C. 2351 et seq., 2381 et seq.] shall apply to the provision of assistance under this subchapter to the same extent and in the same manner as such authorities apply to the provision of economic assistance under part I of such Act [22 U.S.C. 2151 et seq.].

**(b) Use of the expertise of Afghan-Americans**

In providing assistance authorized by this subchapter, the President should—

- (1) maximize the use, to the extent feasible, of the services of Afghan-Americans who have expertise in the areas for which assistance is authorized by this subchapter; and
- (2) in the awarding of contracts and grants to implement activities authorized under this subchapter, encourage the participation of such Afghan-Americans (including organizations employing a significant number of such Afghan-Americans).

**(c) Donations of manufacturing equipment; use of colleges and universities**

In providing assistance authorized by this subchapter, the President, to the maximum extent practicable, should—

- (1) encourage the donation of appropriate excess or obsolete manufacturing and related equipment by United States businesses (including small businesses) for the reconstruction of Afghanistan; and
- (2) utilize research conducted by United States colleges and universities and the technical expertise of professionals within those institutions, particularly in the areas of agriculture and rural development.

**(d) Administrative expenses**

Of the funds made available to carry out the purposes of assistance authorized by this subchapter in any fiscal year, up to 7 percent may be used for administrative expenses of Federal departments and agencies in connection with the provision of such assistance.

**(e) Monitoring**

**(1) Comptroller General**

The Comptroller General shall monitor the provision of assistance under this subchapter.

**(2) Inspector General of USAID**

The Inspector General of the United States Agency for International Development shall

conduct audits, inspections, and other activities, as appropriate, associated with the expenditure of the funds to carry out this subchapter.

**(f) Priority for direct assistance to the Government of Afghanistan**

To the maximum extent practicable, assistance authorized under this subchapter should be provided directly to the Government of Afghanistan (including any appropriate ministry thereof).

(Pub. L. 107-327, title I, §106, Dec. 4, 2002, 116 Stat. 2805.)

REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in subsec. (a), is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended. Part I of the Act is classified generally to subchapter I (§2151 et seq.) of chapter 32 of this title. Chapters 1 and 2 of part III of the Act are classified generally to parts I (§2351 et seq.) and II (§2381 et seq.), respectively, of subchapter III of chapter 32 of this title. For provisions deeming references to subchapter I to include parts IV (§2346 et seq.), VI (§2348 et seq.), and VIII (§2349aa et seq.) of subchapter II of chapter 32, see section 202(b) of Pub. L. 92-228, set out as a note under section 2346 of this title, and sections 2348c and 2349aa-5 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

**§ 7517. Relationship to other authority**

The authority to provide assistance under this subchapter is in addition to any other authority to provide assistance to the Government of Afghanistan.

(Pub. L. 107-327, title I, §107, Dec. 4, 2002, 116 Stat. 2806.)

**§ 7518. Authorization of appropriations**

**(a) In general**

There is authorized to be appropriated to the President to carry out this subchapter (other than section 7513(c) of this title) \$1,825,000,000 for fiscal year 2004 and \$425,000,000 for each of fiscal years 2005 and 2006.

**(b) Availability**

Amounts appropriated pursuant to the authorization of appropriations under subsection (a) of this section are—

(1) authorized to remain available until expended; and

(2) in addition to funds otherwise available for such purposes, including, with respect to food assistance under section 7513(a)(1) of this title, funds available under title II of the Agricultural Trade Development and Assistance Act of 1954 [7 U.S.C. 1721 et seq.], section 1736o of title 7, and section 1431(b) of title 7.

(Pub. L. 107-327, title I, §108, Dec. 4, 2002, 116 Stat. 2806; Pub. L. 108-106, title II, §2214, Nov. 6, 2003, 117 Stat. 1232.)

REFERENCES IN TEXT

The Agricultural Trade Development and Assistance Act of 1954, referred to in subsec. (b)(2), is act July 10, 1954, ch. 469, 68 Stat. 454, as amended. Title II of the Act is classified generally to subchapter III (§1721 et seq.) of chapter 41 of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 1691 of Title 7 and Tables.

AMENDMENTS

2003—Subsec. (a). Pub. L. 108-106 substituted “\$1,825,000,000 for fiscal year 2004 and \$425,000,000 for each of fiscal years 2005 and 2006” for “\$425,000,000 for each of the fiscal years 2003 through 2006”.

SUBCHAPTER II—MILITARY ASSISTANCE  
FOR AFGHANISTAN AND CERTAIN OTHER  
FOREIGN COUNTRIES AND INTER-  
NATIONAL ORGANIZATIONS

**§ 7531. Support for security during transition in Afghanistan**

It is the sense of Congress that, during the transition to a broad-based, multi-ethnic, gender-sensitive, fully representative government in Afghanistan, the United States should support—

(1) the development of a civilian-controlled and centrally-governed standing Afghanistan army that respects human rights and prohibits the use of children as soldiers or combatants;

(2) the creation and training of a professional civilian police force that respects human rights; and

(3) a multinational security force in Afghanistan.

(Pub. L. 107-327, title II, §201, Dec. 4, 2002, 116 Stat. 2807.)

**§ 7532. Authorization of assistance**

**(a) Drawdown authority**

**(1) In general**

The President is authorized to exercise his authorities under section 2318 of this title to direct the drawdown of defense articles, defense services, and military education and training—

(A) for the Government of Afghanistan, in accordance with this section; and

(B) for eligible foreign countries, and eligible international organizations, in accordance with this section and sections 7533 and 7535 of this title.

**(2) Authority to acquire by contract or otherwise**

The assistance authorized under paragraph (1) may include the supply of defense articles, defense services, counter-narcotics, crime control and police training services, other support, and military education and training that are acquired by contract or otherwise.

**(b) Amount of assistance**

The aggregate value (as defined in section 2403(m) of this title) of assistance provided under subsection (a) of this section may not exceed \$450,000,000, except that such limitation shall be increased by any amounts appropriated pursuant to the authorization of appropriations in section 7534(b)(1) of this title and shall not count toward any limitation contained in section 2318 of this title.

(Pub. L. 107-327, title II, §202, Dec. 4, 2002, 116 Stat. 2807; Pub. L. 108-106, title II, §2206, Nov. 6, 2003, 117 Stat. 1231.)

AMENDMENTS

2003—Subsec. (b). Pub. L. 108-106 substituted “\$450,000,000” for “\$300,000,000”.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 7533, 7534 of this title.

**§ 7533. Eligible foreign countries and eligible international organizations**

**(a) In general**

Except as provided in subsection (b) of this section, a foreign country or international organization shall be eligible to receive assistance under section 7532 of this title if—

- (1) such country or organization is participating in military, peacekeeping, or policing operations in Afghanistan aimed at restoring or maintaining peace and security in that country; and
- (2) such assistance is provided specifically for such operations in Afghanistan.

**(b) Exception**

No country the government of which has been determined by the Secretary of State to have repeatedly engaged in gross violations of human rights, or provided support for acts of international terrorism under section 2371 of this title, section 2405(j)(1) of title 50, Appendix, or section 2780(d) of this title shall be eligible to receive assistance under section 7532 of this title.

(Pub. L. 107–327, title II, § 203, Dec. 4, 2002, 116 Stat. 2807.)

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 7532 of this title.

**§ 7534. Reimbursement for assistance**

**(a) In general**

Defense articles, defense services, and military education and training provided under section 7532(a)(2) of this title shall be made available without reimbursement to the Department of Defense except to the extent that funds are appropriated pursuant to the authorization of appropriations in subsection (b)(1) of this section.

**(b) Authorization of appropriations**

**(1) In general**

There are authorized to be appropriated to the President such sums as may be necessary to reimburse the applicable appropriation, fund, or account for the value (as defined in section 2403(m) of this title) of defense articles, defense services, or military education and training provided under section 7532(a)(2) of this title.

**(2) Availability**

Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are in addition to amounts otherwise available for the purposes described in this subchapter.

(Pub. L. 107–327, title II, § 204, Dec. 4, 2002, 116 Stat. 2808.)

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 7532 of this title.

**§ 7535. Congressional notification requirements**

**(a) Authority**

The President may provide assistance under this subchapter to any eligible foreign country

or eligible international organization if the President determines that such assistance is important to the national security interest of the United States and notifies the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate of such determination at least 15 days in advance of providing such assistance.

**(b) Notification**

The report described in subsection (a) of this section shall be submitted in classified and unclassified form and shall include information relating to the type and amount of assistance proposed to be provided and the actions that the proposed recipient of such assistance has taken or has committed to take.

(Pub. L. 107–327, title II, § 205, Dec. 4, 2002, 116 Stat. 2808.)

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 7532 of this title.

**§ 7536. Promoting secure delivery of humanitarian and other assistance in Afghanistan and expansion of the International Security Assistance Force**

**(a) Findings**

Congress finds the following:

(1) The President has declared his view that the United States should provide significant assistance to Afghanistan so that it is no longer a haven for terrorism.

(2) The delivery of humanitarian and reconstruction assistance from the international community is necessary for the safe return of refugees and is critical to the future stability of Afghanistan.

(3) Enhanced stability in Afghanistan through an improved security environment is critical to the functioning of the Government of Afghanistan and the traditional Afghan assembly or “Loya Jirga” process, which is intended to lead to a permanent national government in Afghanistan, and also is essential for the participation of women in Afghan society.

(4) Incidents of violence between armed factions and local and regional commanders, and serious abuses of human rights, including attacks on women and ethnic minorities throughout Afghanistan, create an insecure, volatile, and unsafe environment in parts of Afghanistan, displacing thousands of Afghan civilians from their local communities.

(5)(A) On July 6, Vice President Haji Abdul Qadir was assassinated in Kabul by unknown assailants.

(B) On September 5, 2002, a car bomb exploded in Kabul killing 32 and injuring 150 and on the same day a member of Kandahar Governor Sherzai’s security team attempted to assassinate President Karzai.

(6) The violence and lawlessness may jeopardize the “Loya Jirga” process, undermine efforts to build a strong central government, severely impede reconstruction and the delivery of humanitarian assistance, and increase



the likelihood that parts of Afghanistan will once again become safe havens for al-Qaida, Taliban forces, and drug traffickers.

(7) The lack of security and lawlessness may also perpetuate the need for United States Armed Forces in Afghanistan and threaten the ability of the United States to meet its military objectives.

(8) The International Security Assistance Force in Afghanistan, currently led by Turkey, and composed of forces from other willing countries without the participation of United States Armed Forces, is deployed only in Kabul and currently does not have the mandate or the capacity to provide security to other parts of Afghanistan.

(9) Due to the ongoing military campaign in Afghanistan, the United States does not contribute troops to the International Security Assistance Force but has provided support to other countries that are doing so.

(10) The United States is providing political, financial, training, and other assistance to the Afghan Interim Authority as it begins to build a national army and police force to help provide security throughout Afghanistan, but this effort is not meeting the immediate security needs of Afghanistan.

(11) Because of these immediate security needs, the Government of Afghanistan, its President, Hamid Karzai, and many Afghan regional leaders have called for the International Security Assistance Force, which has successfully brought stability to Kabul, to be expanded and deployed throughout the country, and this request has been strongly supported by a wide range of international humanitarian organizations, including the International Committee of the Red Cross, Catholic Relief Services, and Refugees International.

#### **(b) Statement of policy**

It should be the policy of the United States to support measures to help meet the immediate security needs of Afghanistan in order to promote safe and effective delivery of humanitarian and other assistance throughout Afghanistan, further the rule of law and civil order, and support the formation of a functioning, representative Afghan national government.

#### **(c) Implementation of strategy**

##### **(1) Initial report**

Not later than 60 days after December 4, 2002, the President shall provide the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate with—

(A) a strategy for meeting the immediate and long-term security needs of Afghanistan in order to promote safe and effective delivery of humanitarian and other assistance throughout Afghanistan, further the rule of law and civil order, and support the formation of a functioning, representative Afghan national government, including an update to the strategies submitted pursuant to Public Law 107-206; and

(B) a description of the progress of the Government of Afghanistan toward the

eradication of poppy cultivation, the disruption of heroin production, and the reduction of the overall supply and demand for illicit narcotics in Afghanistan in accordance with the provisions of this chapter.

##### **(2) Implementation of strategy**

Every 6 months after December 4, 2002, through January 1, 2007, the President shall submit to the congressional committees specified in paragraph (1) a report on the implementation of the strategies for meeting the immediate and long-term security needs of Afghanistan, which shall include the following elements—

(A) since the previous report, the progress in recruiting, training, and deploying an Afghan National Army and police force, including the numbers and ethnic composition of recruits; the number of graduates from military and police training; the numbers of graduates retained by the Afghan National Army and police forces since the previous report; the numbers of graduates operationally deployed and to which areas of the country; the degree to which these graduates are assuming security responsibilities; whether Afghan army and police units are establishing effective central governmental authority over areas of the country, and which areas; and the numbers of instances of armed attacks against Afghan central governmental officials, United States or international officials, troops or aid workers, or between the armed forces of regional leaders;

(B) the degree to which armed regional leaders are cooperating and integrating with the central government, providing security and order within their regions of influence, engaging in armed conflict or other forms of competition that are deleterious to peace, security, and the integration of a unified Afghanistan under the central government;

(C) the amount of humanitarian relief provided since the previous report to returnees, isolated populations and other vulnerable groups, as well as demining assistance and landmine survivors rehabilitation; and the numbers of such persons not assisted since the previous report;

(D) the steps taken since the previous report toward national reconstruction, including establishment of the ministries and other institutions of the Government of Afghanistan;

(E) the numbers of Civil Affairs Teams working with regional leaders, as well as the quick impact infrastructure projects undertaken by such teams since the previous report;

(F) efforts undertaken since the previous report to rebuild the justice sector, including the establishment of a functioning judiciary, a competent bar, reintegration of women legal professionals and a reliable penal system, and the respect for human rights; and

(G) a description of the progress of the Government of Afghanistan with respect to the matters described in paragraph (1)(B).

**(d) Expansion of the International Security Assistance Force**

**(1) Sense of Congress**

Congress urges the President, in order to fulfill the objective of establishing security in Afghanistan, to take all appropriate measures to assist Afghanistan in establishing a secure environment throughout the country, including by—

(A) sponsoring in the United Nations Security Council a resolution authorizing an expansion of the International Security Assistance Force, or the establishment of a similar security force; and

(B) enlisting the European and other allies of the United States to provide forces for an expansion of the International Security Assistance Force in Afghanistan, or the establishment of a similar security force.

**(2) Authorization of appropriations**

(A) There is authorized to be appropriated to the President \$500,000,000 for each of fiscal years 2003 and 2004 to support the International Security Assistance Force or the establishment of a similar security force.

(B) Amounts made available under subparagraph (A) may be appropriated pursuant to chapter 4 of part II of the Foreign Assistance Act of 1961 [22 U.S.C. 2346 et seq.], section 551 of such Act [22 U.S.C. 2348], or section 2763 of this title.

(C) Funds appropriated pursuant to subparagraph (A) shall be subject to the notification requirements under section 634A of the Foreign Assistance Act of 1961 [22 U.S.C. 2394-1].

(Pub. L. 107-327, title II, §206, Dec. 4, 2002, 116 Stat. 2808.)

REFERENCES IN TEXT

Public Law 107-206, referred to in subsec. (c)(1)(A), is Pub. L. 107-206, Aug. 2, 2002, 116 Stat. 820, known as the 2002 Supplemental Appropriations Act for Further Recovery From and Response To Terrorist Attacks on the United States. For complete classification of this Act to the Code, see Tables.

The Foreign Assistance Act of 1961, referred to in subsec. (d)(2)(B), is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended. Chapter 4 of part II of the Act is classified generally to part IV (§2346 et seq.) of subchapter II of chapter 32 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

DELEGATION OF FUNCTIONS

For delegation of congressional reporting functions of President under subsec. (c) of this section, see section 1 of Ex. Ord. No. 13313, July 31, 2003, 68 F.R. 46073, set out as a note under section 301 of Title 3, The President.

**§ 7537. Relationship to other authority**

**(a) Additional authority**

The authority to provide assistance under this subchapter is in addition to any other authority to provide assistance to the Government of Afghanistan.

**(b) Laws restricting authority**

Assistance under this subchapter to the Government of Afghanistan may be provided notwithstanding section 512 of Public Law 107-115 or any similar provision of law.

(Pub. L. 107-327, title II, §207, Dec. 4, 2002, 116 Stat. 2811.)

REFERENCES IN TEXT

Section 512 of Public Law 107-115, referred to in subsec. (b), is section 512 of Pub. L. 107-115, title V, Jan. 10, 2002, 115 Stat. 2141, which is not classified to the Code.

**§ 7538. Sunset**

The authority of this subchapter shall expire after September 30, 2006.

(Pub. L. 107-327, title II, §208, Dec. 4, 2002, 116 Stat. 2811.)

SUBCHAPTER III—MISCELLANEOUS PROVISIONS

**§ 7551. Requirement to comply with procedures relating to the prohibition on assistance to drug traffickers**

Assistance provided under this chapter shall be subject to the same provisions as are applicable to assistance under the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.] and the Arms Export Control Act [22 U.S.C. 2751 et seq.] under section 487 of the Foreign Assistance Act of 1961 (relating to the prohibition on assistance to drug traffickers; 22 U.S.C. 2291f), and the applicable regulations issued under that section.

(Pub. L. 107-327, title III, §301, Dec. 4, 2002, 116 Stat. 2812.)

REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in text, is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended, which is classified principally to chapter 32 (§2151 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

The Arms Export Control Act, referred to in text, is Pub. L. 90-629, Oct. 22, 1968, 82 Stat. 1320, as amended, which is classified principally to chapter 39 (§2751 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables.

**§ 7552. Sense of Congress regarding protecting Afghanistan's President**

It is the sense of Congress that—

(1) any United States physical protection force provided for the personal security of the President of Afghanistan should be composed of United States diplomatic security, law-enforcement, or military personnel, and should not utilize private contracted personnel to provide actual physical protection services;

(2) United States allies should be invited to volunteer active-duty military or law enforcement personnel to participate in such a protection force; and

(3) such a protection force should be limited in duration and should be succeeded by qualified Afghan security forces as soon as practicable.

(Pub. L. 107-327, title III, §302, Dec. 4, 2002, 116 Stat. 2812.)

**§ 7553. Donor contributions to Afghanistan and reports**

**(a) Findings**

The Congress finds that inadequate amounts of international assistance promised by donor

states at the Tokyo donors conference and elsewhere have been delivered to Afghanistan, imperiling the rebuilding and development of civil society and infrastructure, and endangering peace and security in that war-torn country.

**(b) Sense of Congress**

It is the sense of Congress that the United States should use all appropriate diplomatic means to encourage all states that have pledged assistance to Afghanistan to deliver as soon as possible the total amount of assistance pledged.

**(c) Reports**

**(1) In general**

The Secretary of State shall submit reports to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives, in accordance with this paragraph, on the status of contributions of assistance from donor states to Afghanistan. The first report shall be submitted not later than 60 days after December 4, 2002, the second report shall be submitted 90 days thereafter, and subsequent reports shall be submitted every 180 days thereafter through December 31, 2004.

**(2) Further requirements**

Each report, which shall be unclassified and posted upon the Department of State's Internet website, shall include, by donor country, the total amount pledged, the amount delivered within the previous 60 days, the total amount of assistance delivered, the type of assistance and type of projects supported by the assistance.

(Pub. L. 107-327, title III, §303, Dec. 4, 2002, 116 Stat. 2812.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 7554 of this title.

**§ 7554. Reports**

The Secretary of State shall submit reports to the Committees on Foreign Relations and Appropriations of the Senate, and the Committees on International Relations and Appropriations of the House of Representatives on progress made in accomplishing the "Purposes of Assistance" set forth in section 7512 of this title utilizing assistance provided by the United States for Afghanistan. The first report shall be submitted no later than December 31, 2003, and subsequent reports shall be submitted in conjunction with reports required under section 7553 of this title and thereafter through December 31, 2004.

(Pub. L. 107-327, title III, §304, as added Pub. L. 108-106, title II, §2215(c), Nov. 6, 2003, 117 Stat. 1233.)

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